



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 3, 1998

Mr. Michael Bostic
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-2566

Dear Mr. Bostic:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119290.

The City of Dallas Police Department (the "department") received a request for the call sheets and incident reports for the offenses of sexual assault or indecency with a child that occurred at a certain location from 1992 - 1996. You seek to withhold certain information from the 911 call sheets under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of documents.¹

Section 552.101 of the Government Code requires withholding information made confidential by statute. Section 772.318 of the Health and Safety Code makes caller telephone numbers and addresses furnished by computerized 911 service suppliers or business service users confidential. *See* Open Records Decision No. 649 (1996). To the extent that the 911 call information at issue here was furnished by a service supplier or business service user under Health and Safety Code chapter 772, subchapter D, of which

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

section 772.318 is a part, we agree that the originating telephone numbers and addresses are confidential and must be withheld.² The identities of the callers are not made confidential by section 772.318. *See id.*

Next, we will consider whether the name of the caller and the description of the offense is excepted from public disclosure by privacy. Under section 552.101, information may be withheld on the basis of common-law privacy. The doctrine of common-law privacy protects information if it is highly intimate or embarrassing such that its release would be highly objectionable to a reasonable person and the public has no legitimate interest in it. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Clearly, a detailed description of an incident of aggravated sexual assault raises an issue of common-law privacy. *See* Open Records Decision Nos. 260 (1980), 237 (1980). In Open Records Decision No. 339 (1982), this office concluded that "a detailed description of an incident of aggravated sexual abuse raises an issue of common-law privacy," and, therefore, any information tending to identify the sexual assault victim should be withheld pursuant to common-law privacy. *See* Open Records Decision No. 393 (1983). Here, if the person who made the 911 call is the victim of either a sexual assault or indecency with a child or if the caller is the child's parent, then that person's identity is protected from disclosure by privacy. However, the brief descriptions of the reported offenses do not reveal information protected by privacy and must be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

²Open Records Decision No. 649 (1996) notes that of subchapters B, C, D, and E of chapter 772, "Local Administration of Emergency Communications," subchapters B, C, and D contain identical confidentiality provisions. *See* Health & Safety Code §§ 772.118, .218, .318. However, subchapter E, "Emergency Communication Service: Counties with Population over 1.5 Million," contains no such confidentiality provision.

Ref: ID# 119290

Enclosures: Submitted documents

cc: Mr. Art Creech
304 S. Record
Dallas, Texas 75202
(w/o enclosures)